

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

JAMES EDWARD WALLACE
PLAINTIFF

2:07CV762-mef

V.

BILLY NORTON, INMATE

BOBBY JOE JORDAN, INMATE

RICHARD ALLEN, COMMISSIONER ALABAMA D.O.C

STEVE WALKER, INSTITUTIONAL CHAPLAIN
ET AL;

COMPLAINT FRO A MANDATORY INJUNCTION COMPELLING
INVESTIGATION BY ALABAMA BUREAU OF INVESTIGATIONS, AND
ALABAMA DEPARTMENT OF CORRECTIONS

BRIEF AND ARGUMENTS

SUBMITTED BY:

James Edward Wallace
A.I.S. # 207922
P.O. Box 5107
Union Springs, AL. 36089

COMPLAINT

Plaintiff allege (i.e. defendant: Billy Norton continued discrimination, threats of violence on June 15, 2006), Billy Norton bald up his fist and ran at the Plaintiff calling him a "fuck boy" and a "bitch" the issue was taken to Chaplain Steve Walker in a meeting it was resolved with an apology accepted.

Plaintiff allege (i.e. defendant: Billy Norton continued discrimination, threats of violence on June 9, 2007), Billy Norton physically by placing his nose up against the Plaintiff's nose, calling the Plaintiff a piece of garbage, "fuck boy" and a "bitch". The Plaintiff has Rosacea and Rhino Phyma an enlarged nose, this act upon the Plaintiff was very painful with this open wound.

Plaintiff allege (i.e. defendant: Billy Norton continued discrimination, threats of violence) because Plaintiff has a back and a foot problem, and can not stand for a prolonged period of time and is not able to sit on the Native American grounds.

Plaintiff allege (i.e. defendant: Billy Norton continued discrimination, threats of violence) because of his way of practicing his religious rights.

Plaintiff allege (i.e. defendant: Billy Norton continued discrimination, threats of violence on August 15, 2007) Billy Norton threaten Plaintiff in front of (10) ten or more witness by standing up and telling the Plaintiff to do something about his (the defendant's) discrimination ways and acts.

Plaintiff allege (i.e. Defendants: Bobby Joe Jordan continued discrimination, threats of violence, and tried to incite a riot on August 16, 2007) Members of the Native

American were present in classroom K 4 in Bullock Correctional Facility's Faith Based Character Based Dorm, Bobby Joe Jordan told the fellow members, he was stepping down because of (the Plaintiff) James Wallace continual complaints and written reprimands. The invoking a response by the other members by calling (the Plaintiff) James Wallace, a coward, causing (the defendant) Billy Norton called (the Plaintiff) James Wallace a snitch, and saying that Wallace while in Substance Abuse Class, continual snitching on people. (the defendant) Billy Norton then makes a threat of violence by saying he was ready to knock a hole in (the Plaintiff) James Wallace. (The Plaintiff) James Wallace did respond "You must want to handle this, the inmate way." (The Defendant) Billy Norton, got up and tied his boots and called Wallace a "bitch" and stood (5) five feet away and told Wallace to do something to (the defendant) Billy Norton. (The Plaintiff) James Wallace told Norton that he just proved that (the defendant) Billy Norton did not want to knock a hole in any body and left. (the defendant) Billy Norton continue to yell at (the Plaintiff) James Wallace all the way down the hallway of the classroom K 4 in Bullock Correctional Facility' s Faith Based Character Based Dorm.

JURISDICTION

Part A

This Court has jurisdiction of this action by virtue of its Authority to entertain Federal question and complaint pursuant to **42 U.S.C. § 1983.**

A2.

The primary Federal questions presented by this complaint rests upon the United States Constitutions and [4] major Federal statues.

a. Constitutional Amendment [1] which prohibits:

- 1.** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the Freedom of Speech, or the right of the Native American people peaceably to assemble, and to petition the government for a redress of grievances;
- 2.** Constitutional Amendments [5] which prohibits, the denial of Liberty of property with the due process of the law,
- 3.** Constitutional Amendment [8] which prohibits, "cruel and unusual punishment" (i.e.) the defendants coupled with a substantial risk of serious harm of personal injuries to the Plaintiff.
- 4.** Constitutional Amendment [14] which prohibits, due process of the law, under title **42 U.S.C. § 1983**, Civil Law Suit.

VENUE

A3.

Venue is proper in this Court because:

a. The named Plaintiff is incarcerated in an Alabama Prison at Bullock County Correctional Facility P.O. Box 5107 Union Springs Alabama, 36089.

- 1.** The principal place of business for the defendants is located at an Alabama Prison at Bullock County

Correctional Facility P.O. Box 5107 Union Springs
Alabama, 36089. Which all parties are with in the area
of this Court's Honorable geographical Jurisdiction.

STANDING

A4.

The Plaintiff has standings because:

a. The Plaintiff has suffered an injury in fact:

- 1.** Which is the pain and suffering of discriminations of religion causing mental and emotional injuries, a serious risk of personal injuries, (i.e.) by the defendants, Billy Norton, and Bobby Jordan E.T. AL.

FACTS AND ALLEGATIONS

PART B

b. Plaintiff James Edward Wallace, A.I.S. # 207922 Pro-Se, hereafter collectively referred to simply as "Plaintiff" unless specifically is required.

- 1.** Bobby Jordan, and Billy Norton, here after, collectively referred to simply as "Defendants" unless specifically is required by name.
- 2.** The Plaintiff's convictions and length of sentences are not relevant to his law suit and no challenge to any aspect of Plaintiff's sentences is included in this law suit, worded another way, this is sole an access law suit.
- 3.** Plaintiff alleges the Defendants discrimination by continual telling Plaintiff that he was not a Native American, and he did not pray, and was removed from

his duties as the Gate Keeper, that all he did was sit on cans as stated by (the defendant) Bobby Jordan, see Exhibits (A) at 1 quoting:

In reference to Gate Keeper status

"You James Wallace declared in a meeting with Chaplain Walker that you are a practitioner and have no affiliation with the Tribe of Four Winds of the Butterfly Clan."

See Exhibit (A) at 2 quoting:

"In Reference to prayer and belief, you James Wallace are a fine one to talk about praying. The only time you pray is when you must enter and exit the grounds as for a hand out you and Ben Seay sit on cans and talk about things that don't pertain to Native American spirituality any given day you are on the grounds, I know people let slip some words we are only human, I my self slip. You slip. Everyone slips, no one is perfect if they were, they wouldn't be here now, people that use vulgar language on the grounds get verbal reprimands from the chief or elder.

See Exhibit (A) at 3 quoting:

"As fro a respect of ones belief, or prayer system how is anyone to know how to respect someone beliefs if they are to hateful to share their beliefs with the community."

Thus it is here the Plaintiff alleges he use his First Amendment Rights t Freedom of Speech and was removed from his duties as the Gate Keeper for a violation of disrespect to the chief, the Plaintiff complained about violations by the members for the use of foul language and threats of violence by the Defendants. The Plaintiff has followed the proper chain of protocol and made complaints to the intuitional Chaplain Steve Walker, and the Institutional Sergeant Jackson about these threats and degrading name calling. In fact assaults by the Defendant Billy Norton

placing his nose against the Plaintiff's nose trying to
invoke a physical fight. *AND FURTHER SEE EXHIBIT (B)
FOR DISCRIMINATION, MY RELIGION AS A CHURCH.
BY (ie) BILLY NORTON DEFENDANT.*
PART C.

COUNT I

**Request for a mandatory injunction compelling
investigations by the Alabama Bureau of Investigations, and
by the Alabama Department of Corrections.**

C1.

The Plaintiff hereby incorporates into this Count I, all
of the statements and allegations contained in PART B
Facts and Allegations, fully set fourth herein to be
ripe by the time of trial by jury.

C2.

The Plaintiff alleges the Defendants allowing this type
of discriminations and threats constitutes as a hate
group, in violations of the Constitutions and laws of
Alabama, and the United States of America, as well
violations of several Civil Rights, Statues such as: **42**
U.S.C. § 1983, in addition to Alabama statutes.

C3.

The premises considered by the Plaintiff asks this
Honorable Court to grant to the Defendants, a (30)
thirty day notice to this action, and for discovery, and
to conduct such hearing as may be necessary in a
mandatory injunction.

PART D

COUNT II

Request that retaliatory transfers be barred

D1. The Plaintiff hereby incorporates into this **COUNT II** all of the statements and allegations contained in **PART B.** Facts and allegations, above as through these statements and allegations were fully set fourth herein.

D2.

The Plaintiff's alleges that he fears the defendants will enforce or call on the institutional Chaplain Steve Walker or Sergeant Jackson to use their transferring powers to remove the Plaintiff fro his present place of incarceration in retaliation for filing this Civil Suit.

D3.

The Plaintiff's premises considered asks this Honorable Court to issue a preliminary injunction, prohibiting the Defendants from transferring the Plaintiff from his Present place of incarceration.

PART E.

Request for attorney fees and expenses

E1.

The Plaintiff ask this Honorable Court to appoint counsel or grant pro-bono program attorney plaintiff does not have access to funds to hire attorney for this discrimination hate group litigation, thus substantial adjustment to the normal financial burden of this litigation is requested for public attorney or pro-bono

publico services pursuant to Rule 6.4 (a) b) or to Rule 6.1 Pro-bono, Ala. R. Civ. P.

E2. The Plaintiff request all cost be taxed against the Defendants ET. AL. This litigation under investigation may prove a link from the Defendants named above to Department of Corrections who is a relatively large complex with (multimillion dollars) it can financially absorb all cost and expenses with this litigation caused by the Defendants ET. AL. actions

PART F.

Request for service and summon on the Defendants styled above by the clerk.

F1.

The Plaintiff requests the Honorable Court to order a (30) thirty day summons of action upon the Defendants or a judgment may be entered against the Defendants ET. AL. failure to respond.

Therefore, I swear or affirm under penalty of perjury under United States Law's are true and correct, pursuant to [28 U.S.C. § 1776]

done this 23 day of AUGUST 2007.

James Edward Wallace

James Edward Wallace
A.I.S. # 207922
P.O. Box 5107
Union Springs, AL. 36089

EXHIBIT (A) TWO PAGES
WRITTEN BY (IE BOBBY JOE JARDON THE
DEPENDANT,) TO THE PLAINTIFF JAMES
E. WALLACE, AND FILED BY PLAINTIFF IN
HIS RECORDS ON 7-6-07.

EXHIBIT (A) ATTACHMENT IS
IN A ORIGINAL FORM AS WRITTEN.

(9) (9)

①

In REF: TO James Wallace = Grizzle Bear.
From: Tribe Elder Bobby Jordan = Runs with Wind

1. It saddens my heart that a person who calls himself a brother and Old one of the Red People. constantly tries to stir up stuff and find fault in every one else, when said person needs to "Sweep around his own door first."
2. In Reference to Gate Keeper status. You James Wallace declared in a meeting with Chaplain Walker that you ~~were~~^{are} a practitioners and have no affiliation with the Tribe of Four Winds of the Butterfly Clan. It is stated in The Bylaws & Sop that the Elder can appoint and remove any person from any position other than Council. A vote was taken on the grounds to remove James Wallace from Council. Vote logged in Hides is as stands. Out of 5 Council at the time 3 voted to remove 2 voted to keep. Elder has deciding vote. James Wallace was removed from Council & Affirmed By Chaplain Walker. Council that stands right now on the grounds is. Chief Kyle Sharpton. Sub Chief Michael McClellen, Med. Society Head Douglas Isom - Advisory-Medecatory Keith Sherry

Over Seeing Council is Elder Bobby Jordan.
This Matter of Gate Keeper is not up for Review
as Said Removal was Two Month ago.
Well over The 72 hrs That is given
In Sop.

3. In Ref to Prayer and beliefs.

You James Wallace are a fine one to
talk about Praying. The Only time you pray
is when you must enter and Exit the Grounds.
As far a hanging out you and Ben Seay
Sit on Cans and talk about things that
dont pertain to Native American Spirituality
any given day you are on the Grounds.
I know people let Slip some words
We are only human. I myself slip. you
Slip everyone Slips. No one is perfect. If
They were, They wouldn't be here now.
People that use Vulgar language on the Grounds
get Verbal reprimands from Chief or Elder.

4. As far a Respect of one's belief or prayer
System. How is anyone too know how to
Respect Someone's beliefs If they are to
Hateful to Share their beliefs with the
Community. I have Spoken. A Simple Elder of Peace and Harmony
Twis with Wind

EXHIBIT(B) ONE PAGE
WRITTEN BY (BILLY NORTON THE
DEPENDANT) TO THE PLAINTIFF
JAMES E. WALLACE AND FILED BY
PLAINTIFF IN HIS FILES 8-19-07.

EXHIBIT(B) ATTACHMENT IS
IN A ORIGINAL FORM AS WRITTEN.

(~~9~~) (10)

To;

MR. JAMES WALLACE
LEADER OF THE CHURCH OF JESUS CHRIST.

FR: BILLY TWO WOLF NORTON # 169121B.
N.R.P.O.A. (ONLY)

REF. LEAVING ASH TRAYS; OTHER ITEMS.

MR. WALLACE,

AS YOU KNOW FROM THE PAST, I'VE
PICK UP AFTER ONE OF YOUR MEMBERS!
AGAIN TO DAY MIKE USED WOOD TO SET ON
TOP OF THE LOCKER BOX AND USED A
ASH TRAY. HE LEFT THE GROUNDS AGAIN
WITH OUT PICKING UP AFTER HIS SELF

THIS NEEDS TO BE ADDRESSED,
A COPY HAS BEEN FORWARDED TO
MR. WALKER ALONG WITH A REQUEST
FOR THIS MATTER TO BE ADDRESS.
BEING THE LEADER OF THAT CHURCH
YOU NEED TO ALSO ADDRESS THE
MATTER.

L.L.
Chap.

8-14-07

Respectfully
Billy Two Wolf

CERTIFICATE OF SERVICE

I James Edward Wallace, A.I.S. # 207922, Pro-Se certify on this 23 day of AUGUST 2007, by U.S. Postal Service legal mail postage pre-paid to this District Court for the Middle District of Alabama.

Respectfully Submitted

James Edward Wallace

James Edward Wallace
A.I.S. # 207922
P.O. Box 5107
Union Springs, AL. 36089